

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL NO. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

State of Arizona v. Abbott Labs., Inc., et al.,
Cause No. 1:06-CV-11069-PBS

**[PROPOSED] ORDER GRANTING MOTION FOR DISMISSAL OF
SELECT DEFENDANTS WITH PREJUDICE**

The Motion for Dismissal of Select Defendants with Prejudice is hereby GRANTED.

Defendants Abbott Laboratories, Abbott Laboratories Inc., Amgen Inc., Aventis Pharmaceuticals Inc., Hoechst Marion Roussel, Inc., Baxter Healthcare Corporation, Baxter International Inc., Bayer Corporation, Boehringer Ingelheim Pharmaceuticals, Inc., Ben Venue Laboratories, Inc., including its division Bedford Laboratories, Boehringer Ingelheim Roxane, Inc., Roxane Laboratories, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Immunex Corporation, Pharmacia Corporation, Pharmacia & Upjohn LLC (f/k/a Pharmacia & Upjohn, Inc.), Sicor, Inc., Gensia, Inc., Gensia Sicor Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., Watson Pharma, Inc., Schein Pharmaceutical Inc. (n/k/a Watson Pharma, Inc.), Watson Laboratories, Inc., and ZLB Behring, L.L.C. (collectively referred to as the “Settling Defendants”) are hereby dismissed with prejudice from the above-referenced action.

The parties shall each bear their own costs.

This dismissal has no effect on the State of Arizona’s claims or allegations against any parties other than the Settling Defendants.

SO ORDERED this ____ day of _____, 2009:

Hon. Patti B. Saris, USDJ

CERTIFICATE OF SERVICE

I, Steve W. Berman, hereby certify that a true and correct copy of the above document was served on the attorney of record for each party via the Court's electronic filing system this 25th day of June, 2009.

By s/ Steve W. Berman
Steve W. Berman
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